



P.B.5818 - Patentlaan 2  
2280 HV Rijswijk (ZH)  
☎ +31 70 340 2040  
TX 31651 epo nl  
FAX +31 70 340 3016

**Europäisches  
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Zweigstelle  
in Den Haag  
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Département à  
La Haye  
Division de la  
recherche

Huygens, Arthur Victor  
Octrooibureau Huygens,  
P.O. Box 86  
3400 AB IJsselstein  
PAYS-BAS

**ONTVANGEN**

**27 OKT 2004**

**Octr.bur. HUYGENS**

Datum/Date

**28.10.04**

Zeichen/Ref./Réf.

**04/011 PD/EP**

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.

**04075799.9-2302-**

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire

**Van Frankenhuyzen B.V.**

## COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☒ abstract

☐ title

☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract:

**1**

## REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X A	EP 1 075 889 A (HITACHI TOOL ENG) 14 February 2001 (2001-02-14) * the whole document *	1-5, 8, 10, 13 6, 11	B23C5/10 B23B51/02
X	US 5 236 291 A (AGAPIOU JOHN S ET AL) 17 August 1993 (1993-08-17) * figures 1, 2 *	1-5, 8, 10, 13	
X A	GB 2 184 373 A (KOMET STAHLHALTER WERKZEUG) 24 June 1987 (1987-06-24) * the whole document *	1-5, 8, 10, 13 7, 11	
A	US 6 435 780 B1 (FLYNN CLIFFORD M) 20 August 2002 (2002-08-20) * figures 1-3 *	1-5, 8, 10, 11	
			TECHNICAL FIELDS SEARCHED (Int.Cl.7)
			B23C B23B
The present search report has been drawn up for all claims			
Place of search Munich		Date of completion of the search 13 October 2004	Examiner Fanti, P
CATEGORY OF CITED DOCUMENTS			
<p>X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document</p> <p>T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons &amp; : member of the same patent family, corresponding document</p>			

# ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO.

EP 04 07 5799

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

13-10-2004

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 1075889	A	14-02-2001	JP 3317490 B2	26-08-2002
			JP 2000005921 A	11-01-2000
			US 6413023 B1	02-07-2002
			EP 1075889 A1	14-02-2001
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GB 2184373	A	24-06-1987	DE 8536123 U1	16-04-1987
			AT 393098 B	12-08-1991
			AT 308686 A	15-01-1991
			CH 671353 A5	31-08-1989
			FR 2591921 A1	26-06-1987
			IT 1213551 B	20-12-1989
			JP 2504976 B2	05-06-1996
			JP 62157707 A	13-07-1987
			SE 465409 B	09-09-1991
			SE 8605407 A	22-06-1987
US 6435780	B1	20-08-2002	CA 2384124 A1	17-01-2002
			EP 1299208 A1	09-04-2003
			WO 0204159 A1	17-01-2002



This application is covered by the extended European search report pilot project at present running within the European Patent Office, applied to all European patent applications filed as first filing and searched on or after 01.07.03. Under this project the EPO issues together with the search report an opinion on whether the application and the invention to which it relates meet the requirements of the EPC. This non-binding opinion is issued free of charge as a service. This opinion may be used as the basis for an informed decision as to whether it is desired to pursue the application further or not.

For further details of this pilot project, the applicant's attention is directed to the Official Journal edition 5/2003. If any further immediate questions or comments arise the EPO Customer Services: +31-70-340 4500 or +49-89-2399 2828 can be contacted.

**The attached opinion reveals that the application or the invention to which it relates appear not to meet the requirements of the Convention** (see comments on enclosed Form 2906).

If the applicant wishes to continue with this application the examination fee must be paid. Where appropriate amendments can be filed to address the objections raised in the opinion, thus shortening the overall procedure. If no amendments are filed, the opinion will be re-issued as the first official communication under Article 96(2) and Rule 51(2) EPC.

If the examination fee has already been paid and the right to the communication under Article 96(1) EPC has been waived for this application, the first official communication under Article 96(2) and Rule 51(2) EPC will be issued promptly.



The examination is being carried out on the following application documents:

**Description, Pages**

1-6 as originally filed

**Claims, Numbers**

1-13 as originally filed

**Drawings, Sheets**

1/9-9/9 as originally filed

(1) The claims 12 and 13 are drafted in the form of method claims. It is pointed out that, while both the preambles refer to method steps that however are banal steps when using the tool for a drilling operation, the subject matter of the characterizing portions is actually describing physical features of the tool rather than a method for its use: for example the characterizing features of claim 12 are directly related to physical features of the tool like the ratios of the outer and inner radiuses of the different portions of the cutting edges and the relative inclination of the same edges. Therefore no method of use of the tool is being described by these claims which therefore do not comply with the requirements of Art. 84 for lack of clarity.

(2) The document EP-A-1075889 (D1), which is considered to represent the nearest state of the art relative to the subject matter of the present application, discloses a tool having all the features of claim 1.

The subject matter of the dependent claims 2-6, 8, 10 and of claim 13 is also known from D1.

Therefore the above indicated claims do not satisfy the requirements of Art. 52(1) and 54 EPC for lack of novelty.

(3) While the remaining claims contain partly novel features it is not possible at this stage to see any inventive contribution of such features to the solution of the problem



posed. Therefore it is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable an independent claim including such particular matter should be filed taking account of Rule 29(1) EPC. The applicant should also indicate in the letter of reply the difference vis à vis the state of the art and the significance thereof.

(4) Any new independent claim should be properly delimited vis-a-vis the prior art disclosed in the nearest single cited document. The first prior art portion should include those features of the invention which are known from such document. Dependent claims should be adapted thereto.

(5) The description should be amended to meet the requirements of Rule 27 (1)(b), © EPC. In particular, the nearest prior art document should be acknowledged as the state of the art disclosing the features of the first part of claim 1 and the invention fully evaluated in its light, whereby the inherent problem and its solution should be reformulated if necessary, and a reasoned statement be submitted as to why the subject matter of the new independent claim should be regarded as inventive over the cited prior art.

(6) The attention of the applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed, Article 123(2) EPC.